

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

Case No.: DO-12-0025A

JOSEPH COLLINS, D.O.

Holder of License No. 3858

CONSENT AGREEMENT AND INTERIM ORDER FOR PRACTICE RESTRICTION

For the practice of osteopathic medicine in the
State of Arizona

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Joseph Collins, D.O. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement and the stipulated Interim Findings of Fact, Interim Conclusions of Law and Interim Order (“Consent Agreement”). Respondent acknowledges that she has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Interim Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. Respondent admits to the findings of fact and conclusions of law contained in the Interim Consent Agreement and Order.

5. This Interim Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

1 6. This Interim Consent Agreement does not constitute a dismissal or resolution of
2 this or other matters currently pending before the Board, if any, and does not constitute any
3 waiver, express or implied, of the Board's statutory authority or jurisdiction. The acceptance of
4 this Interim Consent Agreement does not preclude any other agency, subdivision or officer of
5 this State from instituting other civil or criminal proceedings with respect to the conduct that is
6 the subject of this Consent Agreement.

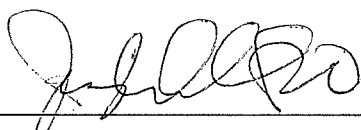
7 7. Upon signing this agreement, and returning this document (or a copy thereof) to
8 the Board's Executive Director, Respondent may not revoke the acceptance of the Consent
9 Agreement. Respondent may not make any modifications to the document. Any modifications
10 to this original document are ineffective and void unless mutually approved by the parties.

11 8. This Interim Consent Agreement, once approved and signed, is a public record
12 that will be publicly disseminated as a formal action of the Board and will be reported to the
13 National Practitioner Data Bank and to the Board's website.

14 9. If any part of the Interim Consent Agreement is later declared void or otherwise
15 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
16 force and effect.

17 10. If the Board does not adopt this Interim Consent Agreement, (1) Respondent will
18 not assert as a defense that the Board's consideration of the Interim Consent Agreement
19 constitutes bias, prejudice, prejudgment or other similar defense; and (2) the Board will not
20 consider content of this Interim Consent Agreement as an admission by Respondent.

21 REVIEWED AND ACCEPTED THIS 23 DAY OF ~~OCTOBER~~ NOVEMBER, 2012.

22
23 
24 _____
Joseph Collins, D.O.

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26 **JURISDICTIONAL STATEMENT**
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1 1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the
2 licensing and practice of osteopathic medicine in the State of Arizona.

3 2. Respondent holds license No. 3858 issued by the Board to practice as an
4 osteopathic physician.

5 **INTERIM FINDINGS OF FACT**

6 1. The Board initiated case DO-12-0025A after receiving notification that
7 Respondent may have been prescribing pain medication inappropriately to patient S.A.

8 2. The Board's medical consultant reviewed Respondent's file for patient S.A. and
9 also performed a pharmacy audit and chart review on Respondent. The medical consultant's
10 review found that Respondent routinely ignored signs of drug abuse and diversion by his
11 patients.

12 3. On September 15, 2012, the Board held an Investigative Hearing in case DO-12-
13 0025A. The Board heard testimony from Respondent and the complainant.

14 4. At the conclusion of the Investigative Hearing, the Board found that Respondent
15 had violated A.R.S. § 32-1854 (5), (6), (38) and (44) because he filled prescriptions in spite of
16 the fact that it was know the patient was abusing opioids and benzodiazepines, there was
17 incomplete history and physical examinations, proper imagine and outside referrals were not
18 obtained, and Respondent was prescribing to the patient with a known history of drug abuse and
19 he continued prescribing even after the patient demonstrated an abuse of narcotics.

20 **INTERIM CONCLUSIONS OF LAW**

21 1. Pursuant to A.R.S. § 32-1800, et seq. the Board has subject matter and personal
22 jurisdiction in this matter.

23 2. On behalf of the Board, the Executive Director may enter into a consent
24 agreement with a licensee to protect the public and to ensure that the licensee is able to safely
25 perform health care tasks. A.R.S. 32-1804 (B)(24).

26 **ORDER**
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Pursuant to the authority vested in the Executive Director, and based upon the Interim Findings of Fact and Interim Conclusions of Law,

IT IS HEREBY ORDERED that effective the date of this Agreement, Respondent is placed on a practice restriction that prohibits him from prescribing any controlled substances. In addition, Respondent shall not execute written certifications or recommendations for medical marijuana. Further, any health care practitioner who is supervised, employed by or contracted with Respondent is prohibited from prescribing any of these medications. This restriction will remain in effect until the Board reviews Respondent's PACE evaluation reports at the regularly scheduled Board meeting following its receipt of these reports.

1. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

2. Any violation of this Consent Agreement and Order constitutes unprofessional conduct and may result in disciplinary action and or referral to the appropriate criminal agency.

3. Service of this Order is effective upon either personal delivery or the date of mailing, by U.S. certified mail, addressed to Respondent's last known address of record with the Board. See A.R.S. § 32-1855(F).

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ISSUED THIS 26th DAY OF November, 2012.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: _____

Jenna Jones
Jenna Jones, Executive Director

Original filed this 26th day of November, 2012 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

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2 Copy of the foregoing sent via regular mail, ^{and certified mail 99} this
3 26th day of November, 2012 to:

4 Joseph Collins, D.O.
5 Address of Record

6 Copy of the foregoing sent via regular mail
7 this 26th day of November, 2012 to:

8 Sarah Selzer, AAG
9 Office of the Attorney General CIV/LES
10 1275 West Washington
11 Phoenix AZ 85007
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